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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/809,144	03/25/2004	Robert Costa	03-284-E	7397	
20306 7590 03/07/2007 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER		
			HALVORSON, MARK		
			ART UNIT	PAPER NUMBER	
ŕ			1642		
	•				
			MAIL DATE	DELIVERY MODE	
			. 03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/809,144	COSTA ET AL.	
Examiner	Art Unit	
Mark Halvorson	1642	

	Mark Halvorson	1642						
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress					
THE REPLY FILED 13 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.								
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Notal Request for Continued Examination (RCE) in compliant time periods:	n the same day as filing a Notice of wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	Appeal. To avoid aba idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)					
a) The period for reply expires <u>3</u> months from the mailing date	a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.							
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	later than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final reject E FIRST REPLY WAS F	ion. ILED WITHIN					
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	ctension and the corresponding amount shortened statutory period for reply orig or than three months after the mailing da	of the fee. The appropr inally set in the final Off	iate extension fee ice action; or (2) as					
 The Notice of Appeal was filed on A brief in complifing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed. 	ension thereof (37 CFR 41.37(e)), to	avoid dismissal of the	ns of the date of ne appeal. Since					
AMENDMENTS								
 The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); 								
(b) They raise the issue of new matter (see NOTE belo		ducing or simplifying	the issues for					
(c) They are not deemed to place the application in be	itter form for appeal by materially re	ducing or simplifying	the issues ioi					
appeal; and/or (d) ☐ They present additional claims without canceling a	corresponding number of finally rei	ected claims.	•					
NOTE: (See 37 CFR 1.116 and 41.33(a)).								
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).					
5. Applicant's reply has overcome the following rejection(s			(
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 	illowable if submitted in a separate,	timely filed amendme	ent canceling the					
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	☐ will not be entered, or b) ☐ wi ovided below or appended.	II be entered and an	explanation of					
Claim(s) allowed: Claim(s) objected to:								
Claim(s) rejected:								
Claim(s) withdrawn from consideration:								
AFFIDAVIT OR OTHER EVIDENCE								
 The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e). 	ut before or on the date of filing a N nd sufficient reasons why the affidat	otice of Appeal,will <u>ne</u> vit or other evidence i	ot be entered s necessary and					
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessa 	overcome all rejections under appe	al and/or appellant fa	ils to provide a					
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.								
REQUEST FOR RECONSIDERATION/OTHER								
 The request for reconsideration has been considered be <u>See Continuation Sheet.</u> 	ut does NOT place the application i	n condition for allowa	nce because:					
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).								
13. Other: SHANON FOLEY SUPERVISORY PATENT EXAMINER								
	Hom	MARCE						
	SHAN	ON FOLEY						
•	SUPERVISORY TECHNOLOG	PATENT EXAMINER BY CENTER 1600						

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that the use of the term "fragment" prevents Sherr et al from reading on the claims of the present application. Applicants also argue that Sherr et al does not teach "contacting" a tumor cell with the full length protein. Applicants arguments have been fully considered but have not been found persuasive. Sherr et al does contemplate fragments of the full length p19ARF protein. Sherr contemplates the use of synthethic oligopeptides containing from 5 to about 100 contiguous amino acids. (column 16, line 57 to column 17 line 3). Thus, Sherr et al does contemplate the use of amino acid fragment of ARF-p19. Furthermore, Sherr et al states that ARF-p19 is introduced into mamalian cells (column 16 lines 53-55). Introducing ARF-p19 into the cell is interpreted as encompassing contacting the cell with a p19ARF protein fragment.

SHANON FOLEY
SUPERVISORY PATENT EXAMINER
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